

Remarks

Applicant regrets that the issues raised in the Office Action dated April 2, 2009 were in part presented on appeal which was withdrawn only to be represented and expanded upon in the instant Office Action. As will be addressed with more specificity below, Applicant submits that the vast majority of issues is overcome by amendments to dependent claims 4 and 20 and dependent claims 7 and 23. Applicant also attempts to provide specificity in addressing and overcoming the §§ 102(b) and 103(a) rejections based on and/or over the Kleihorst reference.

In the Office Action dated April 2, 2009, the drawings stand objected to; claims 1-32 stand rejected under 35 U.S.C. §§ 112(1) and 112(2); claims 1-2, 11, 16-18, 27 and 32 stand rejected under 35 U.S.C. § 102(b) over Kleihorst (*Xetal: A Low-Power High-Performance Smart Camera Processor*, 2001 IEEE); claims 3, 7-8, 12, 15 19, 23-24, 28 and 31 stand rejected under § 103(a) over Kleihorst in view of Lynch (U.S. Patent No. 4,025,771); claims 4-6, 9, 20-22 and 25 stand rejected under § 103(a) over Kleihorst in view of Li (U.S. Patent No. 6,272,615); claims 14 and 30 stand rejected under § 103(a) over Kleihorst in view of Lynch and Li; and claims 10, 13, 26 and 29 stand rejected under § 103(a) over Kleihorst in view of Li and Blevins (*Blitzen: A Highly Integrated Massively Parallel Machine*, 1988 IEEE). Applicant traverses the objections and rejections, and does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant has amended claims 4 and 20 and 7 and 23 in an effort to facilitate prosecution so as to render moot each of the objections to the drawings and each of the § 112 rejections to the claims. With respect to claims 4 and 20, Applicant notes that the figures exemplify index signal as 19, index multiplexer as 21, accumulator data being passed on line 14, coefficient data being passed on line 16, and part of the receipt instruction preventing a control input to index multiplexer 21 at line 17. As claim 20 largely tracks with claim 4, the same explanation is relied upon by Applicant in explaining the support and relationship to the figures. Applicant has amended claims 7 and 23 by deleting the part of each respective claim beginning with “when coefficient data....”

With respect to the rejection of claims 1-32 under 35 U.S.C. § 112(1), Applicant respectfully traverses. The figures depict a representation of one of a plurality of processing elements with Figure 1, for example, illustrating signals connecting to the processing element 1, which signals (instruct 10 and to global OR) as also connecting to other non-illustrated processing elements. As explained in Applicant's specification, each processing element (illustrated processing element 1 as well as non-illustrated processing elements) receives a common instruction and includes a multiplexer that receives the common instruction. For example, at page 1, lines 25-27, the specification states in connection with Figure 1, "the processing element 1 receives a broadcast instruction 10, which will be received by all other processing elements in the array (not shown)." As shown and described in connection with Figure 1, the instruction is passed on line 10 to the ALU 3 and to the multiplexer 5. In this context, the instruction is received by the multiplexer 5 (and a corresponding multiplexer in each of the other non-illustrated processing elements of the array). As such, Applicant maintains that the proper support is provided for this claim language in each of claims 1 and 17. The skilled artisan would appreciate that there are many ways in which such an instruction can be received by the multiplexer for its control. Should there be other issues needing clarification, Applicant respectfully requests that the Examiner articulate the issue with more specificity. Notwithstanding, Applicant attempts to facilitate prosecution by the amendment to each of claims 1 and 17, as paragraph 9 of the Office Action acknowledges that the noted multiplexer receives the common instruction in so far as being controlled by the instruction or a portion thereof. While the Office Action indicates that none of the dependent claims appears to remedy this alleged problem, Applicant disagrees and notes, e.g., claim 5 recites the multiplexer being controlled by the received instruction. Accordingly, Applicant submits that the § 112(1) rejection is overcome and should be withdrawn.

Before turning to the remaining rejections, Applicant reiterates that the extensive issues presented in this file history are intended to be circumvented by this Office Action response in any cooperative efforts going forward. Notwithstanding, Applicant reiterates that attempts herein to present a concise response to each of the issues raised in the Office Action should not be taken as an acquiescence to any rejection or averment. For

example, the Office Action presents a summary/characterization of that which Applicant has previously argued (see paragraph 18 of the Office Action). Applicant does not take the time to review and/or confirm such summary and/or characterization and submits that Applicant's arguments are self supporting and need no further interpretation. In a similar context, Applicant has not taken the time to review, nor does Applicant understand the relevance of, the 2007 decision as cited and represented at paragraph 19 of the Office Action. Applicant does not recognize the *BMW* decision as having a related set of facts such that application of that decision would be relevant. The Applicant submits that the clarifying amendment to the claims should overcome any need for further discussion at paragraphs 18-20 of the Office Action.

Turning now to the § 102(b) rejection based on the Kleihorst reference, Applicant respectfully traverses and submits that the Kleihorst reference does not anticipate Applicant's claimed invention in any manner whatsoever. The Kleihorst reference does not appear to provide correspondence to Applicant's claimed invention. For example, Applicant's claimed invention recites (using representative claim 1): "one or more of the processing elements in the processing array further comprises a storage element having at least one storage location, the storage element configured to be indirectly addressable by the received instruction, thereby enabling the processing of data dependent operations to be performed." The aspects recited herein above do not appear to be taught in any regard by the Kleihorst reference. The Office Action does not attempt to explain any correspondence whatsoever between the specifics of the Kleihorst reference and Applicant's claimed invention. Accordingly, Applicant submits that the § 102(b) rejection over the Kleihorst reference should be withdrawn as failing to present a *prima facie* case of correspondence to support the § 102(b) rejection.

Similarly, for the § 103(a) rejection over Kleihorst in view of the Lynch '771 reference, Applicant submits that correspondence is lacking because of the lack in correspondence discussed above in connection with the Kleihorst reference. Moreover, there is no articulation of why one skilled in the art would attempt to combine the teachings of the two asserted references. On the contrary, consistent with the recent Supreme Court decision, M.P.E.P. § 2143.01 explains the long-standing principle that a §103 rejection cannot be maintained when the asserted modification undermines either

the operation or the purpose of the main (Kleihorst) reference - the rationale being that the prior art teaches away from such a modification. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007) ("[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious.").

In this context, it would appear that the Examiner's proposed modification of the Kleihorst reference would result in an inoperative embodiment as the relied upon embodiment of the Kleihorst reference would no longer operate as described. Accordingly, the §103(a) rejection should be removed in lacking both correspondence and articulation of motivation.

With respect to the Office Action's reliance upon official notice, Applicant respectfully requests that the Examiner provide references in support thereof with an articulation of what would lead one skilled in the art to modify the Kleihorst reference as asserted. While the Examiner points out that the M.P.E.P. permits for such official notice to be taken, Applicant submits that the request is supported by M.P.E.P. § 2144.03 and that the combination has been clearly rebutted in so far as the proposed modification results in an inoperable embodiment at the foundational level (in connection with attempting to provide correspondence for claims 1 and 17).

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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